

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

STEVEN BRENT TUCKER,

Plaintiff,

vs.

CIVIL ACTION  
No. 03-3364-SAC

SHAWNEE COUNTY JAIL, et al.,

Defendants.

ORDER

This matter is before the court on a civil rights complaint. Plaintiff commenced this matter while incarcerated in federal custody and is now in a halfway house. He proceeds pro se, and the court grants leave to proceed in forma pauperis in this matter.<sup>1</sup>

Plaintiff alleges the defendant officials violated his rights by failing to adequately protect him during his pretrial confinement causing him to suffer physical and mental injuries.

Having considered the record, the court finds that a proper

---

<sup>1</sup>Plaintiff submitted the initial partial filing fee of \$39.00 as directed by the court. Plaintiff is advised that he remains obligated to pay the \$111.00 balance of the statutory filing fee of \$150.00 in this action. The Finance Office of the facility where he is housed will be directed by a copy of this order to collect from plaintiff's account and pay to the clerk of the court twenty percent (20%) of the prior month's income each time the amount in plaintiff's account exceeds ten dollars (\$10.00) until the filing fee has been paid in full. Plaintiff is directed to cooperate fully with his custodian in authorizing disbursements to satisfy the filing fee, including but not limited to providing any written authorization required by the custodian or any future custodian to disburse funds from his account.

evaluation of plaintiff's claims cannot be achieved without additional information from appropriate officials of the Shawnee County Jail. See Martinez v. Aaron, 570 F.2d 317 (10th Cir. 1978). See also Hall v. Bellmon, 935 F.2d 1106 (10th Cir. 1991).

IT IS, THEREFORE, BY THE COURT ORDERED that plaintiff's motion for leave to proceed in forma pauperis (Doc. 2) is granted. Collection action shall continue pursuant to 28 U.S.C. § 1915(b)(2) until plaintiff satisfies the balance of the \$150.00 filing fee.

IT IS FURTHER ORDERED:

(1) The clerk of the court shall prepare service forms for the defendants pursuant to Rule 4(d) of the Federal Rules of Civil Procedure, to be served by a United States Marshal or a Deputy Marshal at no cost to plaintiff absent a finding by the court that plaintiff is able to pay such costs. Answers or responses to the complaint, including the report required herein, shall be filed no later than sixty (60) days from the date of this order.

(2) Officials responsible for the operation of the Shawnee County Jail are directed to undertake a review of the subject matter of the complaint:

- (a) to ascertain the facts and circumstances;
- (b) to consider whether any action can and should be taken by the institution to resolve the subject matter of the complaint;
- (c) to determine whether other like complaints, whether pending in this court or elsewhere, are related to this complaint and should be considered together.

(3) Upon completion of the review, a written report shall be

compiled which shall be attached to and filed with the defendants' answer or response to the complaint. Statements of all witnesses shall be in affidavit form. Copies of pertinent rules, regulations, official documents and, wherever appropriate, the reports of medical or psychiatric examinations shall be included in the written report.

(4) Authorization is granted to the officials of the Shawnee County Jail to interview all witnesses having knowledge of the facts, including the plaintiff.

(5) No answer or motion addressed to the complaint shall be filed until the Martinez report requested herein has been prepared.

(6) Discovery by plaintiff shall not commence until plaintiff has received and reviewed defendants' answer or response to the complaint and the report requested herein. This action is exempted from the requirements imposed under Fed.R.Civ.P. 26(a) and 26(f).

Copies of this order shall be transmitted to plaintiff, to defendants, to the United States Attorney for the District of Kansas, and to the Finance Officer of the plaintiff's residential facility.

**IT IS SO ORDERED.**

DATED: This 14<sup>th</sup> day of September, 2006, at Topeka, Kansas.

S/ Sam A. Crow  
SAM A. CROW  
U.S. Senior District Judge